

MINUTES OF TFCG MEETING

To: Distribution

From: Bob Hunnicutt, Tower Coordinator, Columbia Telecommunications

A meeting of the Transmission Facility Coordinating Group (TFCG) was held on March 7, 2007. The following people were in attendance:

MEMBERS

Marjorie Williams OCCS (240) 777-3724
Helen Xu DTS (240) 777-2804
Mary Pat Wilson MCPS (240) 314-4707
Carlton Gilbert M-NCPPC (301) 495-5476
Martin Rookard WSSC (301) 206-8979
David Niblock DPS (240) 777-6252
Steve Batterden DPWT (240) 777-6063

STAFF

Bob Hunnicutt CTC (410) 964-5700
Carol Watson CTC (410) 964-5700

OTHER ATTENDEES

Jeremy Schneider T-Mobile
Vanessa Cooper T-Mobile
Erin Galvin T-Mobile
Tom Carroll, Esq. Donohue & Blue
Jaichamdran Rajan T-Mobile
Pete Maheridis Clearwire
Adam Knubel Clearwire
Bob Posilkin Verizon Wireless
M.G. Diamond, Esq. Law Offices of M. Gregg Diamond, P.C. (Verizon)

Action Item – Meeting Minutes: David Niblock moved the minutes be approved as written. Steve Batterden seconded the motion and the minutes were unanimously approved.

Consent Applications:

1. Sprint-Nextel application to replace six existing panel antennas with three 53" panel antennas at the 183' level and add six new 48" panel antennas at the 90' level on an existing 190' monopole on Gate of Heaven property located at 13801 Georgia Avenue in Silver Spring (Application #200701-06).
2. FiberTower application to attach one 13" dish antenna at the 65' level of an existing stub tower mounted on the roof of the Silver Spring VFD building located at 111 University Boulevard East in Silver Spring (Application #200702-01).
3. Clearwire application to attach four 3' panel antennas and four 2' dish antennas to an existing 98' Pepco transmission tower #663-N located at 10999 Seven Hills Lane in Rockville (Application #200702-03).
4. Clearwire application to attach four 3' panel antennas at the 101' level and four 2' dish antennas at the 97' level on an existing 140' monopole on MDOT property located at I-270 & Montrose Road in Rockville (Application #200702-05).

Motion: Carlton Gilbert moved the consent agenda items be recommended. Steve Batterden seconded the motion and it was unanimously approved.

Action Item: Sprint-Nextel application to replace an existing 7' x 11' equipment cabinet with a new 8' x 13' equipment cabinet on the roof of an existing equipment building at the Colesville Center located at 49 Randolph Road in Silver Spring (Application #200608-02).

Bob Hunnicutt noted that both this application and Agenda Item #7 on the agenda are subject to a Special Exception for this property. Mr. Hunnicutt explained that the Special Exception limited placement of equipment inside equipment shelters which were constructed at the site for that purpose. He explained that both of these applications proposed to place equipment cabinets on the roof of the existing equipment shelters which is also problematic because it would exceed the maximum height permitted for equipment shelters. Consequently, he did not recommend either of these applications. He noted that this site was controversial when it was first proposed because of community opposition to a monopole at this location. He stated that the original proposal approved by the Special Exception included up to three equipment shelters to be constructed at the base of the monopole. He said that there had been other applications reviewed by the TFCG for this location -- one of the most recent of which was a T-Mobile application. In that application T-Mobile initially proposed placing its equipment on top of the roof of the equipment shelter, but upon being made aware of the Special Exception conditions, had opted to place their equipment inside an existing shelter.

Pete Maheridis stated that for the Clearwire application (Agenda Item #7), since there was a 3' parapet wall along the top of the shelter and the Clearwire cabinet was so small, if it were placed on the roof of the shelter it would not be visible. Adam Knubel distributed copies of excerpts from the Special Exception and noted that in lieu of placing their small equipment cabinet on the roof, a third equipment shelter building would have to be constructed to accommodate Clearwire's equipment. He stated that the additional shelter would be more obtrusive at the site than the small equipment cabinet on the rooftop.

David Niblock noted that the Board of Appeals would like to see any changes to sitings contemplated at locations where a Special Exception had been granted; therefore he did not believe that the TFCG could recommend these applications without noting that a modification to the Special Exception would be required.

Marjorie Williams noted that the Sprint-Nextel application would put a larger equipment shelter on the rooftop than what Clearwire proposes.

Motion: David Niblock moved that the application be put on hold until a modification to this Special Exception was approved. Martin Rookard seconded the motion and it was unanimously approved.

Action Item: Clearwire application to attach four 3' antennas at the 99' level and four 2' microwave dish antennas at the 92' level on an existing 150' monopole at the Colesville Center located at 49 Randolph Road in Silver Spring (Application #200611-15).

David Niblock stated that for this small equipment cabinet proposed by Clearwire, if this were to be placed on the roof behind the parapet, DPS would view this attachment as similar to the way they consider an application to place antennas out of sight inside a church steeple where the church may not meet the height requirement in the Code. He stated that in cases where the cabinets or antennas cannot be seen, DPS would typically issue the building permit.

Marjorie Williams said that she agreed that if there was no visual impact of the facility, the TFCG may consider recommending this application.

Carlton Gilbert stated that, at a minimum, Clearwire should check with the Board of Appeals to obtain their opinion of whether the small cabinet on the rooftop would be permitted by the Special Exception without requiring a modification.

Mr. Niblock agreed that it would be appropriate for Clearwire to check with the Board of Appeals before DPS issued a permit. He added that since the DPS inspectors perform the inspection for compliance with Special Exceptions for the Board of Appeals, if they did not see the cabinet, they would usually not cite any violation to the Special Exception. He said that he could check to see that Clearwire had obtained approval from the Board of Appeals prior to issuing the permit, if that was a condition of the TFCG recommendation.

Motion: Carlton Gilbert moved the application be recommended conditioned on Clearwire notifying the Board of Appeals of the placement of the small equipment cabinet on the rooftop and obtaining their agreement that it

would be permitted. Steve Batterden seconded the motion and it was unanimously approved.

Action Item: Clearwire application to attach four 3' antennas at the 120' level and four 2' microwave dish antennas at the 116' level on the existing 120' monopole on the Baptist Home property located at 6301 Greentree Road in Bethesda (Application #200609-03).

Carol Watson summarized the application noting that AT&T's antennas were reported by Clearwire to be removed from the structure but she was not sure if that had been done. She added that the proposed 11' x 13' equipment area would require use of additional ground space not currently permitted by the Special Exception. Consequently, the Tower Coordinator's recommendation is conditioned on obtaining a modification to the Special Exception to permit use of the additional ground space. She noted that since this monopole appears to be at capacity, the recommendation is also conditioned on submission of a structural analysis concluding that the attachment could be safely made to the monopole.

David Niblock asked if Clearwire had checked with the Board of Appeals regarding the additional ground space. Pete Maheridis said they had not done contacted the Board regarding the space, but they had ordered a structural analysis for this site. He said he thought that the structural analysis would not find any problem with the addition of antennas and cables on the monopole because the equipment Clearwire intended to install was smaller and fewer in number than the existing AT&T antennas to be removed from the structure.

Martin Rookard moved the application be recommended as conditioned by the Tower Coordinator. There was no second and the motion failed.

Mr. Niblock asked if the AT&T equipment shelter was going to be removed or vacated, and suggested that might clear a place for Clearwire's equipment without the need for using additional ground space at this site. Steven Batterden added that when a similar change occurred at Fire Station #31, the AT&T equipment shelter had been vacated and abandoned at the site. He thought that this may be the case for this location as well.

Pete Maheridis asked if the group would recommend the application conditioned on determination of whether or not the existing equipment shelter could be used for Clearwire's equipment.

Mary Pat Wilson asked how the group would know that option had been investigated. Bob Hunnicutt suggested David Niblock could make sure that had been addressed at the time DPS considered issuing the building permit.

Motion: Martin Rookard amended his motion to state that the application be recommended conditioned on Clearwire: 1) determining whether they could use AT&T's equipment cabinet, equipment shelter, or ground space where the shelter is located or, 2) obtaining a modification to the Special Exception to permit the use of additional ground space, and 3) providing a copy of a structural analysis to Permitting Services and a copy to the Tower Coordinator that verifies the structure can safely accommodate Clearwire's equipment. Carlton Gilbert seconded the motion and it was unanimously approved.

Action Item: Clearwire application to attach four 3' antennas at the 79' level and four 2' microwave dish antennas at the 75' level on the existing 69' self-supporting lattice tower on CSX property located at 2701 Forest Glen Road in Kensington (Application #200701-09).

Carol Watson summarized the application noting that at this facility AT&T antennas had been removed from the support structure making room for the Clearwire antennas. However, she noted that because this is a very old tower and it appears to be questionable as to whether it could support the Clearwire panel and dish antennas, the Tower Coordinator's recommendation is conditioned on obtaining a copy of a structural analysis stating that the attachment could be safely made.

Motion: Steven Batterden moved the application be recommended as conditioned by the Tower Coordinator. Carlton Gilbert seconded the motion and it was unanimously approved.

Action Item: T-Mobile application to attach nine 59" antennas on a raised platform at the 41' level on the roof of the 31' Extra Space Storage building located at 10839 Georgia Avenue in Silver Spring (Application #200702-06).

Carol Watson summarized the application noting this was a third proposal by T-Mobile to site antennas in this vicinity. Both of the previous applications had been withdrawn by T-Mobile in lieu of this site. She noted that since the equipment cabinets and the pole-mounted antennas would be highly visible atop this short building, the Tower Coordinator's recommendation was conditioned on T-Mobile screening the equipment area. She noted that they had asked T-Mobile if they would consider that option, but T-Mobile reported they would not.

Marjorie Williams noted that it was a short building and she thought that since it was so low, the equipment would be quite visible and asked about the surrounding area of the site.

Erin Galvin stated the surrounding area is primarily used for commercial purposes except for an apartment building which is across the street.

Martin Rookard asked how far the antennas would be from the view along Georgia Avenue. Ms. Galvin replied that the building was approximately 23' from the Georgia Avenue side of the building. Mr. Rookard asked if there are other spots on the roof where the antennas could be placed to be less visible. Ms. Galvin stated that because most of the roof was just corrugated metal, they needed to place the antennas in a location where the roof could support the equipment cabinets; consequently, this limited options for other locations on the roof.

David Niblock asked if the apartments were directly across the street from the site. Ms. Watson replied that the three-to-four story apartment building is directly across the street from the storage facility, and she distributed photos of the site.

Ms. Williams noted that there other structures on the rooftop and asked how much higher the equipment cabinets and antennas would be than those structures. Group discussion noted that it appeared as though it would be approximately twice as high as the structures that were already on the roof. Tom Carroll stated he thought the site as proposed should be acceptable without screening since it is a commercial building, there is no requirement in the code for screening, the intent of the Tower Ordinance is to encourage collocation, and the antennas and equipment are a good distance from the roadway. Bob Hunnicutt agreed that there is no requirement in the code to screen the antennas, but since the group had raised concerns about similar sitings on low buildings in the past, they thought it was appropriate to condition the recommendation on screening for this application as well. There was a question as to whether the antennas would be painted to match the other equipment on the roof. Mr. Hunnicutt stated that the applicant had agreed to paint the antennas to make them better blend in with the surrounding.

Motion: Martin Rookard moved the application be conditioned on painting the antennas the color of the building. Carlton Gilbert seconded the motion and it was unanimously approved

Action Item: Verizon Wireless application to construct a new 80' monopole and attach six 47" antennas at the 80' level. The monopole will be located on the Wesley Grove Church property located at 23640 Woodfield Road in Gaithersburg (Application #200609-11).

Bob Hunnicutt reminded the group that this application had been reviewed by the TFCG in October at which time the group asked Verizon to work with the property owner to place the monopole on the property to meet set-back requirements, to consider lowering the height of the structure, and to disguise the monopole as a tree design to better fit in with the surroundings. Mr. Hunnicutt reported that Verizon has addressed all of the items previously raised by the TFCG: they worked with the property owner to place the monopole on the property to meet setback requirements, they agreed to disguise the monopole as a tree, and they lowered the height of the structure. Consequently, the Tower Coordinator now recommended this application.

Marjorie Williams commended the Verizon representatives for their cooperation with the interests of the TFCG.

Motion: David Niblock moved the application be recommended. Martin Rookard seconded the motion and it was approved with Carlton Gilbert abstaining.

Action Item: T-Mobile application to construct a new 120' monopole and attach nine 53" panel antennas at the 118' level. The monopole will be located on the West Hillandale Swim Club property located at 915 Schindler Drive in Silver Spring (Application #200610-10).

Carol Watson summarized the application noting that the Tower Coordinator had asked T-Mobile if they would consider disguising the monopole as a tree. T-Mobile replied that they would consider that option if they were asked to do so during the Special Exception process. Ms. Watson summarized the review of the RF analysis noting that when asked why the coverage objective could not be met with antennas at the 80' level, T-Mobile had conducted a drive test and provided those results to the Tower Coordinator. She said that based on her review of the drive test results and the RF maps provided, it appeared that the 120' height of the structure may be needed to meet T-Mobile's coverage needs for this site. However, the Tower Coordinator does not recommend this application because it does not meet setback requirements.

Martin Rookard asked what the distance was from the property line. Ms. Watson stated that the 120' monopole was proposed to be placed only 62' from the side-lot line. Mr. Rookard said he thought that since the site was next to a school and there appeared to be a line of trees between the school and the site, he did not think there would be a problem with not meeting the setback.

Ms. Watson said that T-Mobile had noted in their application that they would request a reduction of the setback during the Special Exception process. Tom Carroll distributed copies of §59-G-2.58 of the Zoning Code noting that the Board of Appeals has the authority to reduce the setback requirements. Bob Hunnicutt added that the reduction would be based on certain conditions also in the Code and read the applicable section from the handout.

Mr. Rookard said he thought that the placement of this monopole at this location on the property was better as far as minimizing the visual impact of the facility in the community.

In response to a question regarding whether or not the nearby residents had been advised of this proposal, Mary Pat Wilson said that she had advised the School Principal about the proposal. The T-Mobile representative stated that T-Mobile had not done any community notice, but said that would be taken care of at the time of the Special Exception review.

David Niblock recommended the application be tabled until the Special Exception had been approved. Mr. Rookard said he thought that would not be appropriate since the Board of Appeals needs a determination from the Tower Group as part of their review of the Special Exception. Carlton Gilbert said he agreed with Mr. Rookard. Mr. Niblock stated he did not think it is in the interest of the TFCG to recommend applications that do not meet Code requirements. Mr. Hunnicutt stated that in the past the TFCG had made recommendations for some monopole sitings that required a Special Exception and conditioned them on obtaining approval for a reduction in the setback. He noted, however, that in recent times applicants have been submitting applications for new structures, many of which required one or more variances from the Code requirements. He said that his understanding from the TFCG now is that if the application does not meet Code requirements, the group was not inclined to recommend the application. He reminded the group that as they had been advised by Cliff Royalty in the past, they can recommend, not recommend, or recommend with conditions. He stated that if the group continues to recommend applications that do not meet Code standards, the standards eventually become meaningless.

Mr. Rookard said that if the reason for the setback is to create a fall zone, since there was a large piece of property next to this site, there would be no harm. Mary Pat Wilson disagreed with Mr. Rookard, and noted that this was school property that is used by children, and that there is a pathway along the boundary between the two properties where children walk.

Mr. Niblock added that there are other reasons in the Code for setbacks other than a fall zone, and to ignore setback is not in the interest of the TFCG.

Mr. Carroll noted that since the Schools accept monopoles on their own property at other locations, it should not be a concern of the group in this case, and argued that the location of this monopole is better than elsewhere on the property. Mr. Hunnicutt noted that based on the site plan, it appeared that if the monopole was placed elsewhere on the property to meet setback, then it would not meet the requirement to be 300' from the nearest dwelling.

Ms. Wilson commented that she believed it is not within the authority of the TFCG to recommend an application that does not meet setback, as that is the authority of the Board of Appeals. She said she thought the TFCG should review the applications according to the Code requirements.

Motion: David Niblock moved to not recommend the application, noting on the Record of Action form that the reason for this action was based only on the fact that the structure did not meet setback requirements. Helen Xu seconded the motion and it was approved with four voting in favor of the motion, Martin Rookard against, and Mary Pat Wilson abstaining.

Action Item: T-Mobile application to construct a new 100' monopole and install nine 59" antennas at the 97' level of the monopole on Spencerville Methodist Church property located at 2100 Spencerville Road in Spencerville (Application #200702-07).

Carol Watson summarized the application noting that this site is near residential areas from which the monopole and equipment area will be visible. She said she had asked T-Mobile if a stealth design had been considered for this site. She said T-Mobile replied that if the Board of Appeals, Park and Planning Commission, or residents asked for a stealth design during the Special Exception process they would consider it. Ms. Watson added that based on her review of the RF maps, it appeared as though the 100' elevation of the antennas may be necessary to meet T-Mobile's coverage objective.

Marjorie Williams asked about potential use of the steeple on the church. Ms. Watson explained that she had also asked about use of the steeple but T-Mobile replied that the steeple was not structurally capable of supporting the antennas.

Motion: David Niblock moved the application be recommended conditioned on T-Mobile obtaining approval from the Board of Appeals for a Special Exception for the structure. Steve Batterden seconded the motion and it was approved with Carlton Gilbert abstaining.

Discussion Item – Next Meeting: The next meeting of the TFCG is scheduled for Wednesday, April 4, 2007 at 2 p.m. in the second floor conference room #225 of the COB.